



House of Representatives

General Assembly

File No. 395

January Session, 2017

Substitute House Bill No. 7175

House of Representatives, April 4, 2017

The Committee on Planning and Development reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE TESTING OF NATURAL GRAVEL AGGREGATES FOR THE PRESENCE OF PYRRHOTITE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2017*) (a) For purposes of this
2 section, "natural gravel aggregates" means aggregates found above or
3 below the water table that occur in natural, unconsolidated deposits of
4 granular material that are derived from rock fragments such as
5 boulders, cobbles, pebbles and granules and that may be rounded or
6 crushed, or a combination thereof.

7 (b) Not later than January 1, 2018, the Commissioner of Consumer
8 Protection shall adopt regulations, in accordance with the provisions of
9 chapter 54 of the general statutes, establishing requirements for the
10 testing and sale of natural gravel aggregates, including, but not limited
11 to, a requirement that natural gravel aggregates that test positive for
12 the presence of the mineral pyrrhotite in an amount equal to or greater
13 than .23 per cent by volume shall not knowingly be used or sold for

14 use in residential concrete foundations.

15 (c) Not later than July 1, 2018, and annually thereafter, the owner or
 16 operator of any natural gravel aggregates extraction facility shall cause
 17 the natural gravel aggregates extracted from such facility to be tested
 18 in accordance with the requirements established pursuant to the
 19 regulations adopted in accordance with subsection (b) of this section.
 20 Such owner or operator shall (1) file documentation of the results of
 21 such test with the Department of Consumer Protection, on a form as
 22 prescribed by the Commissioner of Consumer Protection, and such
 23 department shall maintain a copy of such documentation electronically
 24 for not less than thirty years, and (2) provide a copy of such
 25 documentation to any person or entity that purchases natural gravel
 26 aggregates from such facility.

27 (d) Not later than July 1, 2018, each owner or operator of a natural
 28 gravel aggregates extraction facility shall establish and make publicly
 29 available a quality control plan that ensures (1) compliance with the
 30 requirements established pursuant to the regulations adopted in
 31 accordance with subsection (b) of this section, and (2) that the contents
 32 of natural gravel aggregates sold by such facility comply with relevant
 33 State Building Code requirements and American Society for Testing
 34 and Materials or "ASTM" standard C33, "Standard Specification for
 35 Concrete Aggregates".

36 (e) On and after July 1, 2017, no person shall install a residential
 37 concrete foundation comprised in whole or in part of material,
 38 including recycled material, known to contain the mineral pyrrhotite
 39 in an amount equal to or greater than .23 per cent by volume.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2017	New section

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Consumer Protection, Dept.	GF - Cost	None	20,510
State Comptroller - Fringe Benefits ¹	GF - Cost	None	7,810

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in General Fund costs of \$28,320 in FY 19 due to giving the Department of Consumer Protection (DCP) a role regarding mandated business testing of liquid concrete for pyrrhotite.

The bill requires DCP to receive such test results beginning in FY 19, which will necessitate one-third of a Special Investigator to review, investigate when necessary, and store the results. This additional staffing involves Personal Services costs of \$20,510 and fringe benefit costs of \$7,810.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.08% of payroll in FY 18 and FY 19.

OLR Bill Analysis**sHB 7175*****AN ACT CONCERNING THE TESTING OF NATURAL GRAVEL AGGREGATES FOR THE PRESENCE OF PYRRHOTITE.*****SUMMARY**

Beginning July 1, 2017, this bill prohibits anyone from installing a residential concrete foundation made in whole or in part of material (including recycled material) known to contain 0.23% or more pyrrhotite, by volume.

The bill also establishes several requirements related to testing natural gravel aggregates (hereinafter “aggregates”). It:

1. requires the consumer protection commissioner to adopt regulations, by January 1, 2018, establishing requirements for the testing and sale of aggregates, including requirements related to aggregates that test positive for pyrrhotite, and
2. requires the owner or operator of an aggregate extraction facility, by July 1, 2018, to (a) begin annually testing aggregates and reporting the results to the Department of Consumer Protection (DCP) and (b) publish a quality control plan.

EFFECTIVE DATE: July 1, 2017

DEFINITION OF NATURAL GRAVEL AGGREGATES

Under the bill, “natural gravel aggregates” are aggregates found above or below the water table that occur in natural, unconsolidated deposits of granular material that are derived from rock fragments such as boulders, cobbles, pebbles, and granules. These aggregates may be round, crushed, or a combination.

REGULATING AGGREGATE EXTRACTION FACILITIES

DCP Regulations

The bill requires the DCP commissioner to adopt regulations by January 1, 2018 establishing requirements for the testing and sale of aggregates. The regulations must prohibit anyone from knowingly using or selling aggregates for use in residential foundations if the aggregates test positive for at least 0.23% pyrrhotite by volume.

Testing Requirements and Quality Control Plan

The bill requires owners and operators of aggregate extraction facilities to annually test the aggregate their facilities extract for pyrrhotite, as specified in the DCP regulations. The first test must be conducted by July 1, 2018.

Owners and operators must file the test results with DCP, on a form its commissioner prescribes. DCP must maintain this information electronically for at least 30 years. Owners and operators must also provide a copy of the results to anyone purchasing their aggregates.

The bill requires facility owners and operators, by July 1, 2018, to establish and publish a quality control plan that ensures (1) compliance with DCP's regulations and (2) that aggregates sold by the facility comply with the state building code requirements and the American Society for Testing and Materials (ASTM) Standard C33, "Standard Specification for Concrete Aggregates." (It appears that the state building code requires compliance with ASTM Standard C33.)

BACKGROUND***Pyrrhotite-Related Problem in Northeastern Connecticut***

An investigation by DCP and the Attorney General's office found that a naturally occurring iron sulfide mineral, pyrrhotite, led to the premature deterioration of certain concrete foundations in parts of the state. Pyrrhotite was present in the aggregate used to produce the concrete poured for these foundations.

ASTM Standard C33

This specification defines the requirements for grading and quality

of certain aggregates used in concrete. It does not include protocols related specifically to pyrrhotite.

Related Bills

sSB 806, favorably reported by the Public Safety and Security Committee, and SB 905, favorably reported by the Planning and Development Committee, include provisions related to helping owners of property with failing concrete foundations.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 22 Nay 0 (03/17/2017)